

REMARKS

I. Support for Amendment

The amendment to claim 1 is supported by the specification, for example p. 4, lines 24-26. No new matter has been added. Attached herewith is a marked-up version of the changes made to the claim by this amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

II. Claim Rejections - 35 U.S.C. § 102 or § 103

The rejection of claims 1-3 under 35 U.S.C. § 102 or § 103 over Voigtman et al. (U.S. Pat. No. 2,996,424 or 3,017,317) or Donnelly (3,014,832) has been obviated by appropriate amendment. Independent claim 1 now recites a surface active agent as a component of the soft highly absorbent tissue product. None of the three cited references discloses or suggests a tissue product comprising long paper making fibers, a surface active agent, and a ketene dimer sizing agent, where the tissue product is soft and highly absorbent.

III. Claim Rejections - 35 U.S.C. § 103

The rejection of claims 4-22 under 35 U.S.C. § 103 over Voigtman et al. (U.S. Pat. No. 2,996,424 or 3,017,317) or Donnelly (3,014,832) is respectfully traversed. None of the three cited references discloses or suggests a tissue product comprising a ketene dimer and a surface active agent, where the tissue product is soft and absorbent.

The Office Action asserts that it would be obvious to employ a surfactant to provide an emulsion for a water insoluble ketene dimer. Applicants respectfully traverse this assertion. The applied references disclose emulsions, yet do not mention any surface active agent. See, for example Voigtman et al. ('424 and '317), col.7, line 75 – col.8, line 2; and Donnelly, col.8, lines 58-60. The applied references do not teach or suggest the use of a surface active agent together with a ketene dimer. Moreover, the Office Action does not provide any other references that, when combined with the

applied references, would teach or suggest a tissue product comprising a ketene dimer and a surface active agent, where the tissue product is soft and absorbent.

The Office Action further asserts that it would be especially obvious to employ a surfactant "since it is standard and conventional practice in the art to add surfactants to tissue paper to improve softness and absorbency." Applicants respectfully traverse this assertion, as it fails to address all of the elements of Applicants' claims. The alleged "conventional practice" of adding surfactants is not described in the Office Action as being combined with the use of a ketene dimer.

For both assertions regarding the use of a surface active agent in a soft absorbent tissue product, the Office Action appears to supply the claim element of a surface active agent from the Examiner's personal knowledge. As noted in the MPEP 2144.03, with reference to 37 CFR 1.104(d)(2):

When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated **as specifically as possible**, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. [Emphasis added]

Accordingly, applicants hereby request, under 37 CFR 1.104(d)(2), that the Examiner provide an affidavit in support of the assertions made based on the Examiner's personal knowledge. Thus, until the Examiner provides appropriate references or affidavits and some evidence of a motivation to modify a sheet of paper and the desirability of making such modifications, a *prima facie* case of obviousness has not been presented.

Moreover, any assertion of obviousness is refuted by Applicants' specification. For example, page 10, lines 5-17, reproduced below, describe the surprising and unexpected results obtained by using a ketene dimer and a surface active agent in making soft absorbent tissue paper, particularly with respect to the measured water absorbency rate.

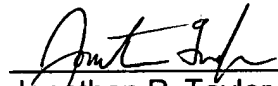
Typically, tissue made without the use of sizing agents shows an absorbency rate test of from about 1 second to about 10 seconds or slightly less. Towel made without sizing agents will typically show an absorbency rate of about 1 to about 50

seconds. When tissue and towel are sized with a ketene dimer sizing agent it can be anticipated that sizing levels, or water resistivity, will substantially increase. For example, absorbency rate tests for tissue can increase as much as 25 seconds or more. Tissue having improved softness from the use of ketene dimer sizing agents in conjunction with surface active agents remain hydrophilic, having a very low resistance to wetting, i.e., they are not sized and thus wet easily. The water absorbency rate test for such softened sheets are from around 1 to around 4 seconds, but may be up to about 10 seconds or more depending on the type of paper, basis weight and other physical characteristics of the sheet.

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the amendment and remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Also submitted at this time is a Petition for Extension of Time for one (1) month.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A soft highly absorbent tissue product comprising long paper making fibers, a surface active agent, and a ketene dimer sizing agent.